

PLANNED UNIT DEVELOPMENT DISTRICT

WC 16.04.190 Planned Unit Development District

A. Purpose

The purpose of the planned unit development district is to provide the opportunity to design and construct a single project comprised of a mixture of land uses, zoning classifications, residential densities and nonresidential intensities under a single overlay zone and plan and under a single ownership or control. To these purposes, the planned unit development seeks:

- a) to encourage flexibility in the development of land in order to promote its most appropriate use;
- b) to improve the design, character and quality of new developments;
- c) to encourage a harmonious and appropriate mixture of uses;
- d) to facilitate the adequate and economic provision of streets, utilities and municipal services;
- e) to preserve the natural environmental and scenic features of the site;
- f) to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and
- g) to mitigate the problems which may be presented by specific site conditions.

The Town shall discourage the use of the planned unit development district as a means of circumventing the rezoning/subdivision process or to avoid the standards and requirements of this ordinance or the Subdivision Control Ordinance. The planned unit development district shall further be discouraged as a means to guarantee density/intensity increases over those permitted in the non-planned unit development district (i.e., SF 2/PUD versus SF 2).

B. Definition

A Planned Unit Development (PUD) is a zoning opportunity for an area under single ownership or control which is developed in conformance with an approved plan, consisting of:

- a) a map showing the development area and all improvements to the development area as outlined in this ordinance;
- b) text which sets forth the uses and the development standards to be met; and
- c) exhibits setting forth any aspects of the development plan not fully described in the map and text.

The land uses and development standards expressed in the approved plan shall constitute the land use and development regulations for the PUD site in lieu of the regulations for the non-planned unit development district, except as otherwise provided herein.

C. General Development Requirements for All Planned Unit Developments

1. It is anticipated that Planned Unit Developments will generally offer the following advantages:
 - a) Address the policies included in the Comprehensive Plan specific to the neighborhood in which the PUD is to be located so as to encourage consistency with the community development vision as presented in the Comprehensive Plan;
 - b) Use design to provide compatibility between areas of different land uses and development intensities within the PUD;
 - c) Buffer different types of land uses and development intensities outside of the PUD from those within the PUD so as to minimize any adverse impact which new development may have on existing or zoned development;
 - d) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
 - e) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area;
 - f) Promote architecture that complements the surroundings; and
 - g) Counteract urban monotony and congestion on streets.
2. The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be accomplished through the use of enforceable commitments.
3. The concept plan shall indicate the land uses, development standards, and other applicable specifications which shall govern the development of the PUD site in lieu of the regulations for the non-planned unit development district. If the concept plan is silent on a particular land use, development standard, or other applicable specification, then the standards of the non-planned unit development district or the applicable regulations shall apply.
4. The PUD concept plan map shall show the general location of all improvements.
5. The PUD must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.
6. The PUD must include a statement of recreational amenities and how they benefit the PUD residents. The PUD must also designate and convey active and/or passive recreational areas in accordance with the following:

- a. In the case of mixed uses, recreational amenities shall be allocated to the property in proportion to the uses assigned to the PUD and shall be located within reasonable walking distance to those uses. Provided, however, the recreational amenities need not be located in proximity to the use in the case of preservation of existing features.
- b. If the Concept Plan provides for the PUD to be constructed in stages, recreational amenities must be provided for each stage of the PUD in proportion to that stage, unless otherwise indicated and approved through concept plan approval.
- c. Conveyance. Recreational amenities shall be conveyed in one of the following forms:
 - i. To a municipal or public corporation; or
 - ii. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the PUD. All conveyances hereunder shall be structured to insure that the grantee has the obligation and the right to effect maintenance and improvement of the recreational amenities and that such duty of maintenance and improvement is enforced by the owners and tenants of the PUD; or
 - iii. To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the recreational amenities and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or the general community, or any combination of these.

D. Procedure for Approval of Planned Unit Development

1. Introduction. Applications shall be accompanied by all plans and documents required by Section E. A two (2) step application process shall be used, as follows:
 - a) Pre-Filing Conference; and
 - b) Concept Plan Approval.
2. Pre-Filing Conference. Prior to filing a formal application for approval of a PUD, the applicant shall schedule a pre-filing conference with the Community Development Department staff. The purpose of the pre-filing conference shall be to:
 - a. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies; and
 - b. Allow the Community Development Department staff to inform the applicant of applicable policies, standards and procedures for the PUD.

The pre-filing conference is intended only for the above purposes. Neither the developer nor the jurisdiction is bound by any suggestion or recommendation or statement made during a pre-filing conference.

3. Procedure for PUD District Ordinance and Concept Plan Approval:

- a) A PUD District Ordinance application shall include a Concept Plan and shall be submitted to the Community Development Department Staff. The Concept Plan shall specify all land uses and applicable development regulations of the PUD in general terms. After determining the application to be complete, Staff shall undertake a review of the submitted information.
- b) The initial staff review and the application shall be submitted for Land Use Committee consideration in advance of the Plan Commission consideration of the application.
- c) The application and such other documents as may be pertinent to the PUD along with a staff report (including comments from the Land Use Committee) shall then be forwarded to the Plan Commission for its consideration.
- d) The Plan Commission shall hold a public hearing in accordance with IC 5-3-1.
- e) Upon completion of its review, the Plan Commission shall certify the application to the Westfield Town Council with a recommendation for approval, or a recommendation for approval with conditions or commitments, or a recommendation for disapproval, or no recommendation. The Council may then exercise all the authority provided by IC 36-7-4-1512.
- f) The Westfield Town Council shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within 90 days, the Ordinance takes effect as if it had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fails to act on the proposal within 90 days, the proposal is defeated.

4. Effect of Approvals of PUD District Ordinance and Concept Plan:

- a. When a PUD District Ordinance and Concept Plan for a PUD have been approved by the Westfield Town Council, the Concept Plan shall become effective, shall be recorded in the Hamilton County Recorder's Office and the Zoning Map shall be amended to designate the site as a PUD.
- b. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Concept Plan, subject to a secondary review conducted in accordance with the requirements of the Development Plan approval process and any other regulatory processes which may be required.
- c. No permit of any kind shall be issued until the secondary review by Development Plan has been approved and any other regulatory processes which may be required have been completed.

5. Secondary Review by Development Plan:

- a) Development Plan Review, as provided for in WC 16.04.165, shall be required as the secondary review for all PUDs. In addition to those requirements, the Development

Plan shall include a designation of the specific internal use or range of uses to which each building shall be put.

- b) Where a Development Plan covers an entire PUD site, the Development Plan shall be submitted for approval not more than 18 months following Westfield Town Council's approval of the Concept Plan. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
- c) Development Plans may be submitted and approved in phases, with each phase representing a portion of the Concept Plan, if phasing and the time limit for submitting each phase for approval was approved as a part of the Concept Plan approval. The timing for submitting phases shall be as set forth in the Concept Plan rather than the established time period for single-phase Development Plans mentioned in the above paragraph. The Plan Commission may extend the time for application for approval of Development Plan for good cause, consistent with the purposes of this Ordinance.
- d) Periodically, the Community Development Department staff shall report to the Plan Commission on PUDs whose time limits have expired. The applicants shall also be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the PUD designation and Concept Plan approval and return the property to the previous zoning district or another zoning district that is consistent with Comprehensive Plan policies.
- e) The Development Plan shall conform to the approved Concept Plan which has been presented in accordance with the requirements listed below and approved by the Westfield Town Council.
- f) No permit of any kind shall be issued for any purpose within a PUD except in accordance with the approved Development Plan, and after acceptance by the Town of Westfield of all required guarantees for improvements pursuant to Section E., 3.

E. Specific Development Requirements for all Planned Unit Developments

PUD plans and supporting data shall include all documentation listed in this section of the Zoning Ordinance unless certain documentation is deemed superfluous by the Community Development Department staff due to the specific circumstances of the particular request.

1. Concept Plan Pre-Filing Conference Requirements

- a) A written letter of intent describing the development intentions for the site.
- b) A scaled drawing of the site and its environs, in simple concept form, showing the proposed location and extent of land uses, major streets, and the approximate location of existing easements, natural features, and topographic or geologic constraints.

2. Concept Plan Requirements

- a) A drawing of the PUD shall be prepared at a scale not less 1"=100', or as considered appropriated by Community Development Department staff, and shall show, in

general terms, the concept proposed for: major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas; recreation facilities; and other details to indicate the character of the proposed development. The submitted drawing(s) shall include:

- 1) A site location map showing the project location and other development projects in the vicinity.
 - 2) The name of the development, with the words "Concept Plan".
 - 3) Boundary lines and acreage of each land use component.
 - 4) Existing easements, including location, width and purpose.
 - 5) Existing land use on abutting properties.
 - 6) Other conditions on the site and adjoining land: topography (at 10-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision.
 - 7) Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, pathways and bridges and other drainage structures.
 - 8) Proposed public improvements: collector and arterial streets and other major improvements planned by the public for future construction on or adjacent to the tract.
 - 9) Existing utilities on the tract.
 - 10) Any land on the tract within the floodplain as depicted on the Flood Insurance Rate Maps dated March 11, 1983, and as subsequently amended.
 - 11) Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, existing structures and other significant features such as significant isolated trees.
 - 12) Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
 - 13) Map data such as north point, graphic scale and date of preparation.
- a) The Community Development Department staff shall inform the applicant of any additional documents or data requirements after the pre-filing conference.
 - b) A Written Statement of Character of the PUD shall provide an explanation of the character of the PUD and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
 - 1) A specific explanation of how the proposed PUD meets the objectives of all adopted land use policies which affect the land in question.
 - 2) A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
 - 3) Development scheduling indicating:
 - (A) Phases in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each phase. Each phase shall be described and mapped.
 - (B) Projected dates for beginning and completion of each phase.
 - 4) General details of the proposed uses:

- (A) Residential Uses: gross area, architectural concepts (narrative, sketch, or representative photo), number of units for each residential component;
- (B) Nonresidential Uses: specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
- 5) Preliminary concepts and reports for the following facilities:
 - (A) Streets
 - (B) Street lighting
 - (C) Sidewalks and pathways
 - (D) Sanitary sewers
 - (E) Water supply system
 - (F) Other utilities
 - (G) Storm water management
 - (H) Schools
- d) A Traffic Impact Study (when a proposed development meets or exceeds the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) 150 or more dwelling units; (ii) 15,000 square feet or more of retail space; (iii) 35,000 or more square feet of office space; (iv) 70,000 square feet or more square feet of industrial space; (v) 30,000 square feet or more of educational space; (vi) 120 or more occupied rooms; (vii) 46,000 or more square feet of medical space; or, (viii) any mixed use development which generates 100 or more peak hour trips in the peak direction).
- e) A brief report of a neighborhood meeting to which the petitioner invited owners of property within 500 feet of the boundaries of the development to discuss the proposal. The report shall summarize the results of the meeting.

F. Review Considerations

1. In their consideration of a PUD District Ordinance and Concept Plan, the Community Development Department staff in its report to the Plan Commission, the Plan Commission in its recommendation, and the Westfield Town Council in its decision, shall consider as many of the following as may be relevant to the specific proposal:
 - a) The extent to which the PUD District Ordinance and Concept Plan meets the purposes of this Planned Unit Development District, the Comprehensive Plan, and any other adopted planning policies, objectives or regulations of the jurisdiction.
 - b) The extent to which the proposed PUD District Ordinance and Concept Plan meets the requirements, standards, and stated purpose of this Planned Unit Development District.
 - c) The extent to which the proposed PUD District Ordinance and Concept Plan departs from the zoning and other regulations that are otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.
 - d) The proposal will not be injurious to the public health, safety, and general welfare.

- e) The physical design proposed by the PUD District Ordinance and Concept Plan and the extent to which it makes adequate provision for:
 - a. public services;
 - b. adequate control over vehicular traffic;
 - c. protection of designated permanent open space; and
 - d. furthering the amenities of light, air, recreation and visual appeal.
- f) The relationship and compatibility of the proposed PUD District Ordinance and Concept Plan to the adjacent properties and neighborhood.
- g) The desirability of the proposed PUD District Ordinance and Concept Plan in relation to the Town's physical development, tax base and economic well-being.
- h) The development proposed by the PUD District Ordinance and Concept Plan will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services or improvements that are proposed by the developer as a part of the project approval.
- i) The development proposed by the PUD District Ordinance and Concept Plan preserves significant ecological, natural, historical, and architectural resources to the extent possible.

G. Guarantee of Performance for Completion of Improvements A bond or other guarantee acceptable to the Town of Westfield shall be provided for all required public improvements and shall be executed prior to the time of improvement location permit issuance for single site developments or prior to subdivision plat recording, which ever applies. Improvements that shall be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Concept or Development Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of 110 percent of the estimated cost of the improvements.

H. Changes in the Planned Unit Development

- 1. Changes that shall require a new Concept Plan approval include changes which alter the concept or intent of the PUD including but not limited to:
 - a) Increases in density or intensity;
 - b) Changes in the proportion or allocation of land uses;
 - c) Changes in the list of approved uses;
 - d) Changes in the locations of uses;
 - e) Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
 - f) Changes in the final governing agreements where such changes conflict with the Concept Plan approval.

- I. Procedure for Making Changes to an Approved Planned Unit Development The procedure for making changes to an approved PUD shall be the same as the procedure for an initial PUD approval as outlined in WC 16.04.190 D, E and F.

J. Sunset

1. Timeline for Obtaining Approvals: Within 18 months from the date of the approval of the PUD District Ordinance and Concept Plan by the Council, application for Development Plan approval, in total or in phases, shall be submitted for review. The Plan Commission or Director, as provided by WC 16.04.165 B, shall review the Development Plan for consistency with the approved PUD District Ordinance and Concept Plan. If a Development Plan is filed for in phases, each subsequent phase shall be filed for within 18 months of the approval of the prior phase.
2. Expiration of PUD District Ordinance and Concept Plan. In the event that Development Plan approval is not obtained for all or a portion of the PUD within the time frames outlined in 1. above, the PUD District Ordinance and Concept Plan shall be deemed to have expired for that portion of the PUD that has not received Development Plan approval, except for the location and density of the proposed land uses depicted on such PUD District Ordinance and Concept Plan. Once a PUD District Ordinance and Concept Plan have expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until:
 - a) a new PUD District Ordinance and Concept Plan are approved as set forth in WC 16.04.165 D, E and F; and
 - b) a Development Plan approval as required by this section has been obtained.
3. Extensions of Time. Extensions of time, in six (6) month increments not to exceed a total of 18 months, for obtaining Development Plan approval may be granted by the Director if requested in writing on or before the 18 month anniversary of approval of the PUD District Ordinance and Concept Plan and for good cause shown. In the event that the Director disallows a requested extension, the developer may appeal said determination regarding an extension of time to the Board of Zoning Appeals (as per IC 36-7-4-918.1) within 30 days of being notified of such determination.

[end]